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THE RANDOLPH MANUSCRIPT.

VIRGINIA SEVENTEENTH CENTURY RECORDS.

From the Original in the Collection of the Virginia Historical Society.

(CONTINUED)

[INSTRUCTIONS TO LORD CULPEPER, NOVEMBER 7, 1682.]

Charles the Second by the Grace of God King of England Scotland France and Ireland Defender of the Faith &c. To our Trusty and Well-beloved Thomas Lord Culpeper Greeting Whereas by our Letters Patents under the great Seal of England bearing date the Eighth day of July in the seven and twentieth Year of our Reign We granted unto you Thomas Lord Culpeper the Office of our Lieut & Governor General of all that our Colony and Dominion of Virginia in America with all its Rights Members and appurtenances whatsoever To hold Execute and Enjoy the said Office during your Natural Life next and after the Death, Surrender, forfeiture or other sooner Determination of the Interest of Sir W^m Berkeley Kn't and Whereas the said Sir W^m Berkeley is now deceased you are from the day of his decease by Virtue of our said Letters Patents become Legally possessed of our said Office of Lieut and Governor General of our said Colony & Dominion of Virginia during your Natural Life as aforesaid We do therefore for your better Guidance and direction therein hereby require and command you to do and execute all things in due Manner that shall belong unto your said Office and the Trust we have reposed in you according to the several powers Instructions and Authoritys mentioned in these presents or such further Powers Instructions and Authorities as you shall now receive or which shall at any time hereafter be granted or appointed you under our signet and sign Manual and according to such reasonable Laws and Statutes as now are or hereafter shall be made and agreed upon in such manner and form as is hereafter expressed, And our will

and pleasure is that you the said Thomas Lord Culpeper having after your Arrival in Virginia and publication of these our Letters Patents first taking the Oath of Allegiance and supremacy together with the Oath of duly executing the Office and Trust of our Lieut and Governor General of our said Colony and dominion of Virginia which our Council in the said Colony or any three of them are hereby required authorized and empowered to give and administer unto you and in your Absence to our Lieut. or deputy Governor. You shall administer unto each of the Members of the said Council, as also to our Lieut or Deputy Governor as well the Oaths of Allegiance and Supremacy & the Test mentioned in an Act of Parliament made in the five and Twentieth Year of our Reign intituled an Act for preventing danger from Popish recusants, as the Oath for the due Execution of their places and Trusts, And we do hereby give and Grant unto you full power and authority to suspend any of the Members of the said Council from sitting Voting and Assisting therein as you shall find just Cause for so doing And our Will and Pleasure is that if by the Death or Departure out of the said Island or Colony or suspension of any our Councelors there shall happen to be a vacancy in our said Council (any three whereof we do appoint to be a Quorum) We do hereby require you to certifie unto us by the first Opportunity such vacancy by the death departure or suspension or Otherwise of any our said Councillors that we may under our Signet or Sign Manual, constitute and appoint others in their Room but that our affairs at that distance may not suffer for want of a due Number of Councillors, if ever it happens that there are less than Nine of them residing in our said Colony We do hereby give and grant unto you full Power and Authority to choose as many persons out of the freeholders Inhabitants thereof as will make up the full Number of the Council to be nine and no more which Persons so chosen and appointed by you shall be to all Intents and purposes Councillors in our said Colony untill they are either confirmed by us or that by Nomination of other Councillors by us under our sign Manual and Signet the said Council hath above Nine Persons in it. And our Will and Pleasure is that every Member of the said Council suspended by you or displaced by us shall be incapable during such sus-

pension and after being so displaced to be a Member of the General Assembly And we do hereby give & Grant unto you full Power and Authority with the Advice Of the said Council from time to time as need shall require to summons and call General Assemblys of the Freeholders and Planters within your Government in Manner and form as is now Practical in Virginia: And our Will and Pleasure is that the persons thereupon duly Elected by the Major part of the Freeholders of the respective Counties and places and so returned and having before their sitting taken the Oaths of Allegiance and Supremacy, which shall commissionate fit persons under the Publick Seal to administer and without taking which none shall be capable of Sitting though Elected, shall be called & held the General Assembly, of that our Colony and Dominion. And that you the said Thomas Lord Culpeper by and with the Advice and Consent of our said Privy Council and Assembly or the Major Part of them respectively have full Power and Authority, to make, constitute and Ordain Laws, Statutes and Ordinances, for the Publick Peace, Welfare and good Government of our said Colony and the People and Inhabitants thereof, and such others as shall resort thereto, and for the benefit of us our heirs and Successors which said Laws, Statutes, and Ordinances are to be (as near as conveniently may be) agreable unto the Laws and Statutes of this our Kingdom of England Provided that all such Laws Ordinances and Statutes of what Nature and duration soever be within three Months or sooner after the making of the same transmitted unto us under the Publick Seal of Virginia for our Allowance and approbation of them as also duplicates thereof by the next Conveyance: And in Case all or any of them, being not confirmed before by us, shall at any time be disallowed and not approved and so signified by us our Heirs and Successors, under our or their sign manual and Signet and by order of our or their Privy Council unto you the said Thomas Lord Culpeper or to the Commander in Chief of our said Colony for the time being then such and so many as shall be so disallowed, and not approved shall from thenceforth cease determine and be utterly Void and of none Effect, any thing to the Contrary thereof Notwithstanding And to the End nothing may be passed or done by the said Council and Assem-

bly to the Prejudice of us our Heirs and Successors We will and Ordain that you the said Thomas Lord Culpeper shall have and enjoy a Negative Voice in the making and passing all Laws Statutes and Ordinances as aforesaid and that you shall and may likewise from time to time as you shall Judge it necessary adjourn prorogue and dissolve all General Assemblys as aforesaid and our Will and Pleasure is, that you may and shall keep the Publick Seal already appointed by us for Virginia and we do further give and grant unto you the said Thomas Lord Culpeper full Power and Authority from time to time and at any hereafter by yourself or by any other to be Authorized by you in that behalf to administer and give the Oath of Allegiance now established within this our Realm of England, to all and every such Person as you shall think fit who shall at any time or times pass into our said Colony or shall be resident or abiding there. And we do hereby give and grant unto you full Power and Authority with the Advice and Consent of the said Council and Assembly to erect, constitute and Establish such and so many Courts of Judicature and Publick Justice within our said Colony and the Territories under your Government as you and they shall think fit and necessary for the hearing and determining all Causes as well Criminal as Civil according to Law and Equity and for awarding of Execution thereupon with all reasonable and necessary Powers Authorities fees & Priviledges belonging unto them as also to appoint and Commissionate fit Persons in the Several parts of our said Colony to administer the Oaths of Allegiance and Supremacy unto such as shall be obliged to take the same And we do hereby Grant unto you full Power and Authority to constitute and appoint Judges and in Cases requisite Commissioners of Oyer and Terminer Justices of the Peace Sheriffs and other Necessary Officers and Ministers within our said Colony for the better Administration of Justice and putting the Laws in Execution and to administer such Oath and Oaths as are usually given for the due Performance and Execution of Offices and places and for the clearing of Truth in judicial Causes And we do hereby give and grant unto you full Power and Authority where you shall see cause, and shall Judge any Offender or Offenders in any Capital and Criminal Matters or for any

Fines or Forfeitures due unto us, fit Objects of our Mercy to pardon and remit such Offenders Fines and Forfeitures (Treason and Wilful Murder only excepted) in which Case likewise you shall have Power or in your Absence the Lieut. or Deputy Governor upon Extraordinary Cases to grant Reprives unto the Offenders therein until and to the Intent our pleasure may be further known. And we do by these presents give and grant unto you full Power and Authority to Collate any person or persons to any Churches Chappels or other Ecclesiastical benefices within our said Colony, as often as they shall happen to be Void, And we do hereby give and grant unto you the said Thomas Lord Culpeper by your self your Captains and Commanders by you to be Authorized full Power and Authority to levy Arm Muster command or employ all persons whatsoever residing within our said Colony and dominion of Virginia and as occasion shall serve them to transfer from one place to another for the resisting and withstanding all Enemies, Pyrates and Rebels both at Land and Sea, and to transport such Forces to any of our Plantations in America as occasion shall require for the Defence of the same against the Invasion or attempt of any of our Enemies, and them if occasion shall require to pursue and prosecute in or out of the Limits of our said Colony and Plantation or any of them and if it shall please God them to apprehend Vanquish and take and being taken according to the Law of Arms to put to Death or keep alive according to your discretion and to Execute Martial Law in the time of invasion Insurrection or War, and during the Continuance of the same to do and Execute all and every other thing as a Captain General doth or ought of Right to belong as fully and amply as any our Captains General doth or hath usually done And we do hereby give and grant unto you full Power and Authority by and with the Advice of the said Council to Erect Raise and build within our Colony and Dominion aforesaid or any of them such and so many Forts Platforms Castles Cities Boroughs Towns and Fortifications as by the Advice aforesaid shall be judged necessary and the same or any of them to Fortifie and furnish with Ordnance and Ammunition and all sorts of Arms fit and necessary for the Security and defence of our said Plantation and by the Advice aforesaid

the same again to demolish, dismantle as may be most convenient and you are to Exercise all Power belonging to the Place and Office of Vice-Admiral of and in all the seas and Coasts about your Government according to such Commission, Authority and Instructions as you have and shall receive from our Dearest Brother James Duke of York our High Admiral of our foreign Plantations or from our high Admiral or Commissioners for Executing the Office of Lord High Admiral of our foreign Plantations for the time being And our further Will and Pleasure is that all Publick Moneys raised or to be raised within our said Colony and Dominion be issued out by Warrant from you or any other person in your absence Commissionated by us to be a commander in Chief and disposed of by You or such Governor in chief for the support of the Government And we do likewise give unto you full power and Authority by and with the Advice and Consent of the said Council to settle and agree with the Planters and Inhabitants of our said Colony and Dominion concerning such Lands Tenements and Herditaments as now are or hereafter shall be in your power to dispose and them to grant to any Person or Persons for such Terms and under such Moderate Quit Rents Services and acknowledgments to be thereupon reserved unto us as you by and with the advice aforesaid shall think fit which said Grants are to pass and be sealed with the Publick Seal of Virginia and being entered of record by such Officer or Officers as you shall appoint thereunto shall be good & Effectual in Law against us our Heirs and Successors and we give you full Power and Authority to grant Fairs Marts and Markets according as you with the Advice of the said Council shall think fit And we do hereby grant unto you full Power and Authority to order and appoint within our said Colony such and so many Ports Harbours, Bays, Havens and other Places for the Security of Shipping and for the better loading and unloading of goods Merchandizes in such and so many Places as by you with the Advice of the Council shall be thought fit and convenient and in them or any of them to Erect, nominate and appoint Custom houses Warehouses and Officers relating thereunto and them to alter Change Place or displace from time to time as with the Advice aforesaid shall be thought

fit, And our further Will and Pleasure is that you shall not at any time hereafter by Colour of any Power or authority hereby granted or mentioned to be granted take upon you to give, grant or dispose of any Office or Place within our said Plantation of Virginia which now are granted by us under our great Seal of England, any further than that you may upon the Vacancy of any such Office put in any Person to Officiate in the Interval till the said place be disposed of by us our Heirs, our Successors under the great Seal of England, And we do hereby require and Command all Officers and Ministers Civil and Military and all other Inhabitants of our said Colony and Dominion to be obedient aiding and Assisting unto you the said Thomas Lord Culpeper in the Execution of this our Commission and of the Powers and Authorities therein contained and in your absence to our Lieut. or Deputy Governor of our said Colony to whom we do therefore by these presents give and grant during our Pleasure all and Singular the Powers and Authorities hereby granted or intended to be granted to You the said Thomas Lord Culpeper to be by him exercised and enjoyed in case of your Death or Absence from that our Colony And in case you shall happen to dye and there be no other Person commissioned by us to be Commander in Chief Our Will and Pleasure is that the then Council of Virginia do take upon them the Administration of the Government and Execute the Commission and all the several Powers and Authorities therein contained and that such Councillor who shall at the time of your Death be residing within our Plantation of Virginia and Nominated in our Instructions herein given you before any other at that time residing there to Precede in our said Council with such Powers and Preheminences as any former President hath used and enjoyed within our said Colony or any other our Plantations in America untill our Pleasure shall be further known therein and in case you shall be absent from our said Colony and there be no other Person commissioned by us to be Commander in Chief Our Will and Pleasure is that the said Council shall likewise take upon them the Administration of Government in Manner aforesaid Untill you shall arrive at our said Plantation or untill our Pleasure shall be known therein Provided that nothing herein contained nor any Actings or

Proceedings hereupon shall be construed or taken to prejudice shorten or determine the Estate for Life of the said Office granted to you by our abovesaid Letters Patents: And we do hereby further declare our Will and Pleasure to be, that our Commission bearing Date the Sixth Day of December one thousand Six hundred and Seventy Nine do from henceforth cease determine and utterly be Void. In Witness whereof we have caused these Our Letters to be made Patents Witness Our self at Westminster the twentieth Seventh Day of November in the four and Twentieth Year of our Reign.

By Writ of Privy Seal.

BARKER.

(TO BE CONTINUED.)

VIRGINIA IN 1667-1669.

(Abstracts by W. N. SAINSBURY, and copies in the McDonald and De Jarnette Papers, Virginia State Library.)

(CONTINUED)

AFFIDAVIT OF THE MERCHANT OF THE HANDMAID, LATELY
ARRIVED FROM VIRGINIA.

[About August, 1667.]

That Captain Lightfoot of H. M. Ship Elizabeth had a day's notice of the four Dutch ships coming into James River: had he gone to the assistance of Capt. Conway, who fought them six hours, the Enemy's ships might have been taken, but he went to a wedding with a wench he took over from England, the Elizabeth which was burnt by the Enemy, fired but one gun.

(*Colonial Papers*, 1 p.)